

William A. Isaacson  
BOIES, SCHILLER & FLEXNER LLP  
5301 Wisconsin Ave. NW, Suite 800  
Washington, D.C. 20015  
Telephone: (202) 237-2727  
Facsimile: (202) 237-6131  
Email: wisaacson@bsfllp.com

Philip J. Iovieno  
Anne M. Nardacci  
BOIES, SCHILLER & FLEXNER LLP  
30 South Pearl Street, 11th Floor  
Albany, NY 12207  
Telephone: (518) 434-0600  
Facsimile: (518) 434-0665  
Email: piovieno@bsfllp.com  
anardacci@bsfllp.com

*Counsel for Plaintiffs CompuCom Systems, Inc.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

In re: Cathode Ray Tube (CRT)  
ANTITRUST LITIGATION

Master File No. 3:07-md-05944-SC

This Document Relates To Individual Case No.  
11-cv-06396

MDL No. 1917

COMPUCOM SYSTEMS, INC.,

Plaintiff,

vs.

HITACHI, LTD., *et al.*,

Defendants.

**JOHN O'DONNELL DECLARATION IN  
SUPPORT OF DIRECT ACTION  
PLAINTIFFS' OPPOSITION TO  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT BASED UPON  
PLAINTIFFS' PURPORTED FAILURE  
TO DISTINGUISH BETWEEN  
ACTIONABLE AND NON-ACTIONABLE  
DAMAGES UNDER THE FTAIA**

Judge: Hon. Samuel P. Conti  
Court: Courtroom 1, 17th Floor  
Date: February 6, 2015  
Time: 10:00 a.m.

I, John O'Donnell, hereby declare as follows:

1. I am currently the Director of the Infrastructure Solutions Groups, Information Technology at CompuCom Systems, Inc. ("CompuCom"). I make this declaration based on my personal knowledge.

1           2.       I gave corporate representative testimony on behalf of CompuCom in this action,  
2 and testified on CompuCom's behalf as to its practices for purchasing and acquiring CRT  
3 Products during the Relevant Period of 1995 through 2007.

4           3.       During the Relevant Period, CompuCom made its purchases of CRT Products  
5 exclusively from locations in the United States, as reflected at pages 140 and 245 to 246 of  
6 CompuCom's corporate representative deposition testimony, a true and correct copy of which is  
7 attached hereto as Exhibit 1.

8           4.       During the Relevant Period, CompuCom purchased CRT Products exclusively  
9 from vendors which were within the United States, as reflected at pages 102 to 103 of  
10 CompuCom's corporate representative testimony, a true and correct copy of which is attached  
11 hereto as Exhibit 2.

12           5.       During the Relevant Period, CompuCom purchased CRT Products directly from  
13 Defendants, co-conspirators and their affiliates, all of which were located in the United States,  
14 as reflected in the purchase data CompuCom produced in this litigation.

15           6.       CompuCom's vendors, including Defendants, co-conspirators and their affiliates,  
16 shipped these CRT Products to CompuCom's locations or customers in the United States, as  
17 reflected at pages 143 to 144 of CompuCom's corporate representative testimony, a true and  
18 correct copy of which is attached hereto as Exhibit 3.

19       I declare under penalty of perjury that the foregoing is true and correct.

20       Executed this 19 day of December, 2014, at DALLAS, TX

21  
22       By: 

23       John O'Donnell  
24  
25  
26  
27  
28

# Exhibit 1

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re: CATHODE RAY TUBE ) Case No. 07-5944 (SC)  
(CRT) ANTITRUST LITIGATION, )

\_\_\_\_\_ ) MDL No. 1917

This Document Relates to: )

ALL ACTIONS )

ORAL AND VIDEOTAPED DEPOSITION OF  
JOHN O'DONNELL  
MAY 20, 2014

VIDEOTAPED DEPOSITION of JOHN  
O'DONNELL, produced as a witness at the instance of  
the Defendants LG Electronics, Inc. and LG Electronics  
U.S.A., Inc., and duly sworn, was taken in the  
above-styled and numbered cause on the 20th of May,  
2014, from 8:57 a.m. to 6:50 p.m., before Audra B.  
Paty, CSR in and for the State of Texas, reported by  
machine shorthand, at the offices of Susman Godfrey  
LLP, 901 Main Street, Suite 5100, in the City of  
Dallas, County of Dallas, State of Texas, pursuant to  
Notice and the Federal Rules of Civil Procedure.

Page 140

1 our suppliers to our way of thinking. Do you think  
2 that's an accurate way of thinking?

3 A. Yes.

14:18:29

4 Q. Great. You can place this exhibit aside.

5 A. I would like to say that the word suppliers  
6 is really distributors because manufacturers don't get  
7 swayed. I mean, they are -- it is take it or leave  
8 it. It's -- all of CompuCom's negotiating ability is  
9 with distributors and not manufacturers.

10 Q. When CompuCom purchased CRT monitors, did it  
11 issue purchase orders for those monitor purchases?

14:18:59

12 A. Yes.

13 Q. Where did CompuCom issue those purchase  
14 orders from?

15 A. Dallas, Texas.

16 Q. Did it issue purchase orders from any other  
17 location?

18 A. No.

19 Q. Which entities would issue -- strike that.

20 Did CompuCom receive invoices for the CRT  
21 monitors or televisions that it purchased?

14:19:28

22 A. Yes.

23 Q. Which entities would issue those invoices for  
24 CRT products?

25 MR. SMITH: Objection.

Page 245

1 way just to filter it down to only CRT. 18:04:28

2 Q. After filtering the data by CRT vendor  
3 identification codes, would it be accurate to delete  
4 any products where the product description says LCD if  
5 I wanted to end up with a purchasing data set that  
6 only included CRT products?

7 A. I would not want to dictate how your experts  
8 handle the data to get to the solution you're looking  
9 for. There are various ways to pare down data, 18:04:55  
10 keyword searches and other analysis, but I would  
11 certainly not want to offer any advice on how to do  
12 that because your experts would know how to do that.

13 Q. Well, does CompuCom have any capacity to pare  
14 down its own purchasing data to include only CRT  
15 product purchases?

16 A. The process that we would take would be the  
17 same process that your experts would take. It's just  
18 a very long, slow slog through the data to -- to parse 18:05:29  
19 that information out.

20 Q. Do you know if CompuCom's procurement --  
21 strike that.

22 Do you know if CompuCom's purchasing data  
23 includes any transactions related to locations other  
24 than the United States?

25 MR. SMITH: Objection, form. 18:05:54

1           A. Are you asking, do we purchase from other  
2       than the United States?

3           Q. (BY MS. LIN) That's a clearer question. Why  
4       don't we ask that. Do you know if the purchasing data  
5       includes purchases from locations other than the  
6       United States?

7           A. To the best of my knowledge, it does not and  
8       should not because we do not purchase outside the  
9       United States.

10          Q. And I think you said earlier that purchases  
11       intended for sale in Canada are not included in                   18:06:28  
12       CompuCom's purchase data; is that right?

13                   MR. SMITH: Objection to form.

14          A. That's correct. Canada is separate.

15          Q. (BY MS. LIN) Do you know if the ship-to  
16       fields in CompuCom's purchasing data list the location  
17       where the product will be shipped to?

18          A. Yes, it does with a very high degree of  
19       accuracy, but we noticed in the data there's -- in the           18:06:57  
20       hundreds and hundreds of thousands of lines, there are  
21       a scattering of weird ship-to locations in there that  
22       are some data anomalies.

23          Q. What would strike you as a weird ship-to  
24       location?

25          A. I know that in a couple of instances in all

# Exhibit 2



IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re: CATHODE RAY TUBE ) Case No. 07-5944 (SC)  
(CRT) ANTITRUST LITIGATION, )

\_\_\_\_\_ ) MDL No. 1917

This Document Relates to: )

ALL ACTIONS )

ORAL AND VIDEOTAPED DEPOSITION OF  
JOHN O'DONNELL  
MAY 20, 2014

VIDEOTAPED DEPOSITION of JOHN  
O'DONNELL, produced as a witness at the instance of  
the Defendants LG Electronics, Inc. and LG Electronics  
U.S.A., Inc., and duly sworn, was taken in the  
above-styled and numbered cause on the 20th of May,  
2014, from 8:57 a.m. to 6:50 p.m., before Audra B.  
Paty, CSR in and for the State of Texas, reported by  
machine shorthand, at the offices of Susman Godfrey  
LLP, 901 Main Street, Suite 5100, in the City of  
Dallas, County of Dallas, State of Texas, pursuant to  
Notice and the Federal Rules of Civil Procedure.

1       headquartered in the suburbs of Tampa, Florida.

2 Q. Did CompuCom ever receive shipments of CRT  
3 products from outside of the country?

4	A. No.
---	--------

5 Q. In the drop-ship context, did CompuCom ever  
6 facilitate the purchase of CRT products that were  
7 shipped to the customer from outside of the country?

8 MR. SMITH: Objection.

9           A.  No.  And I want to make one correction.  
10       Actually, I think Ingram Micro might be headquartered  
11       in Southern California.  So I'm unclear on their exact  
12       location of their headquarters.

13 Q. (BY MS. LIN) Okay. Thank you.

14                               Is it accurate to say that CompuCom's  
15       suppliers for CRT products were all based in the  
16       United States?

17 MR. SMITH: Objection.

18           A. Can you refer to -- clarify what you mean by  
19    based in the United States?

20 Q. (BY MS. LIN) Were the companies that  
21 CompuCom was purchasing CRT products from, were those  
22 domestic companies?

23 MR. SMITH: Objection.

24           A. We did not source products from overseas. We  
25       dealt with the U.S. entities of companies that may or

Page 103

1 may not have been from overseas or headquartered 11:48:27  
2 overseas, but we always dealt with the U.S. entity of  
3 those companies.

4 MS. LIN: So I would be inclined to take  
5 a break for lunch if our food is here. Does that  
6 sound good to others?

7 MR. SMITH: Uh-huh.

8 THE WITNESS: That's agreed.

9 MS. LIN: Okay. Let's go ahead and go  
10 off the record.

11 THE VIDEOGRAPHER: We are off the record  
12 at 11:48, end of tape number 2. 11:48:51

13 (Recess 11:48 to 12:57.)

14 (Videotape 3.)

15 THE VIDEOGRAPHER: We are back on the  
16 record at 12:57, beginning of tape 3.

17 Q. (BY MS. LIN) Welcome back.

18 A. Thank you.

19 Q. Did CompuCom have a vendor qualification  
20 process that it used for its CRT product vendors? 12:57:23

21 A. Not a formal process, no.

22 Q. Was there any kind of informal process for  
23 vendor qualification?

24 A. Yes.

25 Q. And what was that?

# Exhibit 3

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re: CATHODE RAY TUBE ) Case No. 07-5944 (SC)  
(CRT) ANTITRUST LITIGATION, )

\_\_\_\_\_ ) MDL No. 1917

This Document Relates to: )

ALL ACTIONS )

ORAL AND VIDEOTAPED DEPOSITION OF  
JOHN O'DONNELL  
MAY 20, 2014

VIDEOTAPED DEPOSITION of JOHN  
O'DONNELL, produced as a witness at the instance of  
the Defendants LG Electronics, Inc. and LG Electronics  
U.S.A., Inc., and duly sworn, was taken in the  
above-styled and numbered cause on the 20th of May,  
2014, from 8:57 a.m. to 6:50 p.m., before Audra B.  
Paty, CSR in and for the State of Texas, reported by  
machine shorthand, at the offices of Susman Godfrey  
LLP, 901 Main Street, Suite 5100, in the City of  
Dallas, County of Dallas, State of Texas, pursuant to  
Notice and the Federal Rules of Civil Procedure.

1 purchase orders pre-2000 was issued?

2 A. No.

3 Q. Can you approximate a year when you think  
4 that order would have been issued?

5 A. Other than years ago, but I don't know  
6 exactly when that occurred.

14:22:58

7 Q. Do you expect it would have occurred prior to  
8 2007?

9 A. No.

10 Q. Do you think it would have happened prior to  
11 2008?

12 A. I don't want to walk down the calendar so I  
13 don't know. I don't recall.

14:23:25

14 Q. Okay. Where were the CRT products that  
15 CompuCom purchased shipped to when they were going  
16 directly to -- strike that.

17 Where were CRT products that CompuCom  
18 purchased shipped to if they were not going to be  
19 drop-shipped directly to a customer?

20 A. Almost exclusively they would go to our  
21 Paulsboro, New Jersey configuration and distribution  
22 facility. There's a chance also that they may have  
23 gone to one of our colo facilities. That would be  
24 about it.

14:24:00

25 Q. If a product was dropped-shipped to a

Page 144

1 customer, it would go directly from CompuCom CRT  
2 product supplier to the customer without going through  
3 CompuCom's own hands, if you will; is that right?

14:24:29

4 MR. SMITH: Objection.

5 A. Yes.

6 Q. (BY MS. LIN) Were CompuCom monitors --

7 strike that. Were CompuCom products -- sorry. I'm  
8 getting tired. Strike that.

9 Were CRT products that CompuCom purchased  
10 ever drop-shipped to customers outside of the United  
11 States?

12 A. Not to my knowledge, no.

13 Q. Were CRT products ever shipped from  
14 CompuCom's Paulsboro facility to customers located  
15 outside of the United States?

14:25:04

16 A. If Puerto Rico is considered within the  
17 United States, we did have a customer with facilities  
18 in Puerto Rico, but not to my knowledge outside the  
19 United States.

14:25:27

20 Q. Did CompuCom have any business in Canada?

21 A. Yes.

22 Q. Would customers in Canada have purchased CRT  
23 products?

24 A. Yes.

25 Q. Would those have been sold by -- strike that.